

BEFORE THE IDAHO BOARD OF TAX APPEALS

CINDY LONGNECKER-ALLEN,	)	
	)	
Appellant,	)	APPEAL NO. 14-A-1026
	)	
v.	)	FINAL DECISION
	)	AND ORDER
ADA COUNTY,	)	
	)	
Respondent.	)	
	)	
	)	

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**RESIDENTIAL PROPERTY APPEAL**

This appeal is taken from a decision of the Ada County Board of Equalization (BOE) denying the protest of valuation for taxing purposes of property described by Parcel No. R8040530010. The appeal concerns the 2014 tax year.

This matter came on for hearing September 26, 2014 in Boise, Idaho before Board Member Leland Heinrich. Appellant Cindy Longnecker-Allen was self-represented. Chief Deputy Assessor Tim Tallman represented Respondent.

Board Members David Kinghorn, Linda Pike and Leland Heinrich participated in this decision.

**The issue on appeal concerns the market value of a condominium unit.**

**The decision of the Ada County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed value is \$162,300. Appellant contends the correct value is \$148,000.

The subject property is a 1,373 square foot, 2-story, two (2) bedroom, two (2) bath condominium unit situated in the Sooner Condominium Subdivision, Winding Creek development in Eagle, Idaho. Subject contains a 473 square foot garage and was built in 2007.

Appellant provided information from the Intermountain Multiple Listing Service to demonstrate median residential sale prices in Ada County increased by a median of 16.47% in 2013. Several exhibits were provided detailing month by month changes in the market from 2013 to 2014. Respondent remarked subject's assessed value increased 16.43% over the same time period, which was consistent with Appellant's market study.

Appellant produced information on seven (7) 2013 condominium sales situated in subject's development. Sale prices ranged between \$130,000 and \$175,000 for condominiums consisting of between 1,014 and 1,713 square feet. Appellant focused on four (4) of these sales to compare with subject.

Appellant made adjustments to the sale properties, as compared to subject, for differences in view, design, quality of construction and gross living area. The differences in interior design materials were described. Appellant contended most of the units had differences in the quality of finish materials used. The adjusted prices ranged between \$139,200 and \$153,850. Appellant weighted the adjusted sale prices and concluded a \$149,187 value for subject.

Respondent explained subject is located in the Sooner Condominium Subdivision which was reappraised for the 2014 tax year. The condominium values were adjusted upward by Respondent. Maps were provided showing the location of subject versus the sales provided.

Respondent noted the same seven (7) condominium sales as Appellant. Three (3) of the sale properties were ground floor condominiums, and four (4) were 2-story units. Respondent analyzed the four (4) 2-story units, as they were similar in design to subject. The

sale prices were \$165,000, \$145,000, \$172,500 and \$175,000. The units square foot sizes were 1,426, 1,218, 1,426 and 1,713, respectively. The subject unit has 1,373 square feet and is assessed at \$162,300, or \$118 per square foot.

Respondent made adjustments to the sale properties, as compared to subject, for differences in square footage and bathroom count. The adjusted prices ranged between \$153,200 and \$170,400. In Respondent's view, the units were similar to subject and did not require further adjustments. Respondent contended the market did not indicate value differences attributable to view.

#### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value, or as applicable exempt status. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code § 63-205 requires taxable property be assessed at market value annually on January 1; January 1, 2014 in this case. Market value is defined in Idaho Code § 63-201, as,

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

“[T]here are three primary methods of determining market value: the cost approach . . . the income approach . . . and the market data [sales comparison] approach, in which value

of the assessed property is ascertained by looking to current open market sales of similar property.” *Merris v. Ada County*, 100 Idaho 59, 63; 593 P.2d 394, 398 (1979). Both parties relied on a sales comparison analysis in support of their final value opinions. Both parties supplied the same seven (7) sales, but each chose different sales to directly compare with subject.

Appellant analyzed and compared four (4) of the sales with subject. Two (2) of the sales were ground floor units. Adjustments for differences were made which indicated adjusted sale prices ranging between \$139,200 and \$153,850. Appellant applied adjustments for view, design, quality of construction and gross living area. The Board finds support was lacking for Appellant’s quality and view adjustments.

Respondent looked to the same seven (7) condominium sales as Appellant. However, Respondent chose two (2) of the same sales as Appellant, and two (2) different sales to compare directly with subject. Respondent chose the sales which were 2-story units like subject. Adjustments for differences were made which indicated adjusted sale prices ranging between \$153,200 and \$170,400 for units consisting of between 1,218 and 1,713 square feet. Respondent contended the same builder built the units with similar quality and materials, so no quality adjustment was needed.

Both parties provided sales for the Board’s review. We recognize neither party agrees on which sales are the best representation of subject’s value. Respondent argued the units were of the same quality. Appellant argued some units were built using superior materials and were of better quality.

Looking at the evidence in record, the Board finds all the presented sales might be

included in the determination of subject's fair market value. Both parties began by providing the same seven (7) condominium sales located in subject's development. Sale prices ranged between \$130,000 and \$175,000. The 2-story units had sale prices between \$145,000 and \$175,000. Subject's assessed value of \$162,300 falls right in line with this price range.

In consideration of all the sales information provided, we find Respondent's valuation of subject as of January 1, 2014 , was reasonable. In appeals to this Board, the burden is with Appellant to prove error in the values determined by the assessor by a preponderance of the evidence. Idaho Code § 63-511. The burden of proof was not satisfied in this instance. The Board finds Respondent's value position better supported. The decision of the Ada County Board of Equalization is affirmed.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, AFFIRMED.

DATED this 4<sup>th</sup> day of December, 2014.